

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

IMMANUEL PRICE,

Plaintiff,

v.

OFFICER BURKHART,

Defendant.

Case No. 2:22-cv-2306 KJN P

~~PROPOSED~~ ORDER

Plaintiff is a state prisoner proceeding pro se. On March 14, 2024, defendant filed a motion to modify the scheduling order to accommodate plaintiff's deposition following his recent prison transfer. Defendant seeks to extend the discovery and motion to compel deadline by thirty days.

"The district court is given broad discretion in supervising the pretrial phase of litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'" Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

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Good cause appearing, IT IS HEREBY ORDERED that:

1. Defendant's motion to modify the discovery and scheduling order (ECF No. 22) is granted; and

2. The parties are granted a thirty day extension of time to complete discovery and file any discovery motions, if necessary; the new discovery deadline is April 22, 2024. No other deadlines are affected by this order.

Dated: March 18, 2024



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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